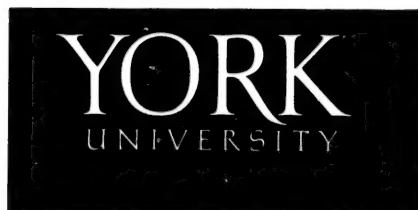


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(The Ottawa Evening Journal, 7th Feb. 1889.)

Nine divorces were granted in the Dominion of Canada last year. In the United States were granted over twenty-five thousand. If nine divorces were granted among our five million people, here should proportionately have been granted only ninety among thirty million people to the south of us. Instead of ninety divorces, our neighbors, as already said, had over twenty-five thousand—probably nearly thirty thousand. So says a legal work just published in Ottawa by Mr J. A. Gemmill, who is recognized as the best authority in Canada on *Parliamentary practice in Divorce cases*, and whose admirable and valuable treatise not only sets in this strong contrast the difference in results between the divorce laws of Canada and the States, but points out the chief causes of the difference.

Mr. Gemmill's work is primarily intended as a guide to legal practice in Parliamentary divorce cases. In this respect it is first in the field in Canada. The subject has not previously been treated by any Canadian writer and indeed could scarcely be so, for it was not until during the last session of Parliament that our Parliamentary divorce practice became systematized through the efforts of Senator Gowan.

Mr. Gemmill has promptly seized the opportunity to compile a work which must prove of the greatest value to lawyers in handling divorce cases here. After outlining concisely the history and principles of divorce in England, and in the Parliament of Canada and in the Canadian Provincial courts, Mr. Gemmill goes into practice and precedents in careful detail. Every case pronounced upon by the Dominion Parliament is analysed, and where important principles are concerned, portions of the Senate debates are given verbatim. Full and comprehensive notes on the Senate rules are added, clear instructions given as to procedure, and finally many important general questions are considered and most useful inferences drawn in a clear and

It is only after exhausting the purely legal and technical aspect of his subject, that Mr. Gemmill allows his own opinions to crisscross to the front. He then upholds Parliamentary control of divorce, as opposed to its control by the courts of law. To the too ready granting of divorces in the courts he attributes chiefly the weakening of the marriage tie in the United States. The following table shows the ratio of divorce in the States and Canada, the American figures being those given by Mr. Carroll D. Wright, U. S. Commissioner of Labor in Washington, in his special report on the statistics of marriage and divorce made to the present session of Congress:

Year.	<i>Divorces in Canada.</i>	<i>Divorces in the States.</i>
1847.....	None	3,926
1848.....	4	10,134
1849.....	4	10,349
1850.....	3	11,562
1851.....	4	11,507
1852.....	4	19,287
1853.....	4	33,158
1854.....	None	33,986
1855.....	3	44,219
1856.....	3	44,811
1857.....	9	75,678
1858.....	8	16,089
1859.....	4	17,086
1860.....	4	19,666
1861.....	5	19,466
1862.....	7	20,762
1863.....	6	23,111
1864.....	13	23,196
1865.....	8	29,989
1866.....	10	23,473
1867.....	12	23,473
1868.....	11	25,535
Total.....	116	328,613

Commissioner Wright does not, give any later U. S. figures than 1896, but judging from the increase in late years, the number of divorces for 1898 can not have been much under thirty thousand. In Canada there were ten divorces in 1887 and nine last year, making a total of 135 since Confederation. But the above table does not fully show the value of Parliamentary control of divorce as a preservative of the marriage tie. There have been 135 divorces in Canada in twenty years but far from 135 divorces granted by Parliament. The great majority of Canadian divorces have been granted by the provincial divorce courts of Nova Scotia, New Brunswick and British Columbia. Residents of these provinces do not resort to come

to Ottawa for divorces; they have their own divorce courts, and of the Canadian divorces since confederation all but 26 have been granted in their courts. The detailed statement follows:—

Year.	Granted by Part.		Grant of Cont.
	Que.	N.E. N.I. 100	
1868	1	3	
1869	1	1	
1870	1	1	
1871	1	1	
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The extraordinary fact that there have been only 26 divorces in 20 years among the people of Ontario and Quebec, now numbering over three millions, as contrasted with thirty thousand divorces among the fifty or sixty millions of adjacent residents, is indeed a powerful argument for the continuance of our Parliamentary system of divorce. Even granting that the P. non-judicial divorce is a much more expensive affair than the average judicial divorce, it is absurd to argue that co-divorce has really much to do with the lamentations to contrast out-lined above. The publicity and the thoroughness of enquiry—these are better explanations of the paucity of divorces under Parliament. And if the insolvency of the marriage tie is a safeguard of all public and private morality, as most of us believe, the figures adduced by Mr. Clemmison should be an unanswerable objection to the removal of our divorce procedure from Parliament to the courts. Not the United States alone show the danger of facilitating divorce. England!

up to 50, the taxpayer must retain control of divorce, and in the previous two hundred years 217 divorces were granted in 1857 divorce court was established, and in thirty years since there have been 6,251 divorces in France, within eighteen months of the authorisation of a divorce system by the National Assembly, there were 20,000 divorces. Dwelling on these facts, contrasting so favourably with our conservatism in Canada on this question, Mr. Vermeulen justifiably prides exclaims:

Thank God the people of Canada know how to discern and do value and cherish the sacred character of the matrimonial bond, the purity and sanctities of the family—their own and the sanctities of the country of the law, "for each has its own atmosphere of the divine law, and the sacredness of life of Christian civilization, and that without them no nation can permanently prosper."

Mr. Gemmill says—

Protestants in this country have not been so much interested in the subject of divorce as the Catholics. I have been asked by a number of Catholics, "Why do you not do more for the cause?" I have said, "My fellow Catholics, I have no objection to your doing so, but I have no objection to my fellow Protestants in advancing relief, even to the extent of the present agency on the subject, so long as it is not such a writer as I am, really doing it, at a profit, as I really do." The view on the point expressed by the Catholic fathers, if I understand them on that point, is that the subject of divorce is a mixed question, and alike for the mixed community.

The latter sentence refers to Sir John A. Macdonald's explanation of the situation when he said that the question of divorce had been purposely left to be decided by the Protestant majority in the Federal parliament, as a measure of justice to Protestants. Certainly nothing would turn popular opinion in Canada more rapidly against parliamentary control of divorce than the feeling that members of Parliament conducted under s. 36, on the merits of the cases, but on church principles, and therefore if it be desirable in the interests of morality that parliamen- tary control should remain, of course, Mr. Gemmill's remark will not be taken seriously by any of our hearers.